

Appeals and Complaints Policy

Issue 2

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Introduction

The CIPD is registered on the Education and Skills Funding Agency's register as an End Point Assessment Organisation (EPAO)

As an EPAO the CIPD is subject to regulatory scrutiny by Ofqual who provide external quality assurance for the Institute for Apprenticeships and Technical Education.

The Appeals and Complaints Policy covers the delivery of the CIPD end-point assessments (EPA) and should be referenced by the CIPD staff, training providers, apprentices and the CIPD external contractors.

The purpose of the policy is to:

- provide operational definitions of the terms appeals and complaints
- clarify who can make an appeal or complaint to the CIPD
- clarify the grounds for an appeal or complaint
- explain the general provisions pertaining to appeals or complaints
- clarify the appeals or complaints process with details of the roles and responsibilities of appellants and the CIPD
- explain the steps the CIPD will follow to investigate the appeal or complaint and come to a decision.

CIPD Jurisdiction

The CIPD contracts with apprenticeship training providers who are listed on the UK Register of Learning Providers to provide an independent assessment service at the end of an apprentice's training. This independent assessment is to confirm that occupational competence has been achieved. The CIPD has jurisdiction to consider appeals or complaints from any apprentice who has been registered to take an EPA with the CIPD and has passed the Gateway process.

The CIPD does not have jurisdiction to consider appeals from apprentices about the terms and conditions relating to their employment and job role, nor over any aspects of the training programmes in terms of developing the appropriate level of knowledge, skills and behaviour required to reach the relevant standard.

Should an apprentice undertake a CIPD qualification as part of the apprenticeship programme and wishes to make a complaint regarding the qualification or study centre, they should follow the CIPD qualification complaints policy.

Complaints

Definition

Complaints are defined as formal expressions of concern or dissatisfaction with a service provided, or lack of a service, the application of our policies and/or the outcome or decision the CIPD have made relating to the CIPD EPA.

Who can make a complaint?

Formal complaints can be submitted by:

- The apprentice directly informed of, or directly affected by the CIPD's action or decision.
- The training provider or employer acting on behalf of and with the explicit written permission of the apprentice.
- The training provider or employer directly informed of, or directly affected by the CIPD's action or decision.

All complaints, expressions of dissatisfaction and other feedback received by the CIPD will be taken seriously and will be dealt with promptly and appropriately.

General provisions

1. It is important that a high level of trust and goodwill is maintained between the CIPD, apprentices, training providers and employers. The CIPD will attempt to resolve complaints expediently without the complainant having to resort to the formal complaints procedure as it is a generally accepted principle that recourse to a formal complaint's procedure should be necessary only as a last resort.
2. The CIPD will treat every complaint fairly but will not engage with frivolous or meritless complaints or persistent and repeated or abusive contacts from complainants.
3. Confidentiality will be maintained where possible. However, it may not be possible to consider complaints appropriately without disclosure of the identity and other details of the complainant. If a complainant wishes any matter to remain private and confidential, this must be stated clearly in the written communication, otherwise the CIPD will assume that permission has been granted to disclose any information provided as deemed appropriate and necessary.
4. Complaint decisions will only be taken by individuals who have appropriate competence and who have no personal interest in the decision.
5. Where the outcome of a complaint (or enquiry) brings into question the impact on other apprentices the CIPD will ensure that the interests of apprentices who may be affected are protected, and that the integrity of the EPA is maintained.
6. The CIPD logs, monitors and evaluates all complaints and feedback data to improve our service to EPA users and to identify trends and patterns to inform and support processes. This information will also be made available to the regulatory authorities where appropriate.
7. The CIPD will keep information about individual cases confidential to the people involved unless there is a need to release information under Data Protection Legislation which the CIPD is obliged to comply with.
8. Apprenticeship standards regulators have outlined specific conditions that EPAOs must meet to protect the integrity of regulated standards across the EPA community. This includes the requirement that where certain things are identified (such as malpractice), or certain actions taken (such as when sanctions are applied) the regulators and other relevant EPAOs who may be affected must be informed.

Making a complaint

Stage 1

Complaints must be made in writing to MyEPA@cipd.co.uk within three months from the date when the reason for the complaint arose.

The email must include the following information:

- full name, contact details, including daytime contact number
- detailed statement of the complaint and the reason for making it
- relevant dates pertaining to the reason for the complaint
- the title and level of the relevant apprenticeship standard
- relevant documentary evidence to support the complaint
- contents and outcome of any investigation carried out by other relevant parties relating to the complaint.

Failure to provide all the above may result in a delayed response and possibly eventually dismissal of the complaint.

The CIPD will acknowledge the complaint within 5 working days of receipt.

Stage 2

Within 5 working days of acknowledging the complaint the CIPD will determine the nature of the complaint and in some cases, resolve the complaint without progressing the complaint to stage 3.

If the grounds are found to be valid and appropriate the CIPD will pursue the complaint with the parties concerned and progress the complaint to stage 3.

Should additional information or evidence be required, the CIPD will request this. The CIPD will set a reasonable timeframe for this additional information or evidence to be provided. If this additional information or evidence is not received by the set date, the complaint will not be progressed and the CIPD will confirm this decision in writing.

Stage 3

The CIPD will give serious consideration to the grounds of the complaint and the evidence provided. The CIPD will endeavour to resolve complaints promptly and will base decisions on matters of factual accuracy provided by all parties. The complainant will be kept informed of the progress of complaints.

In all circumstances the CIPD will endeavour to respond to complainants with a decision within 20 working days of the start of stage 3

There are 3 possible outcomes:

- the complaint is upheld - on the basis that the grounds and evidence justify the complaint. In this instance, the CIPD follow up action will vary according to the nature of the complaint.
- the complaint is not upheld - on the basis that the grounds and evidence do not justify the complaint.
- the complaint is partially upheld - on the basis that some aspects of the grounds and evidence justify the complaint, and some do not.

In any case, the CIPD's decision will be final.

The CIPD may notify the relevant regulatory body if it is believed that the complaint could have an adverse effect on the apprentice's assessment experience.

We hope that we resolve all complaints. However, complainants who have followed and exhausted the appropriate procedures and are still dissatisfied with the outcome may contact the relevant regulatory body.

Appeals

Definition

Appeals are defined as formal requests from apprentices to review one or more of the following:

- decisions about Reasonable Adjustments and Special Consideration relating to apprentices taking an EPA
- decisions relating to any action taken against an apprentice following CIPD investigation into malpractice or maladministration
- the results of EPAs where the CIPD did not properly, fairly or consistently follow procedures.

The stages of the appeals process, the CIPD action and timelines are summarised in 'Making a formal appeal'.

Legitimate grounds for a formal appeal

An appeal can only be made to the CIPD in the following circumstances:

- the appeal is against decisions regarding Reasonable Adjustments and Special Considerations.
- the appeal is against the CIPD actions taken following malpractice or maladministration investigations.
- the CIPD did not apply procedures consistently or that procedures were not followed properly or fairly in the:
 - conduct of the CIPD EPAs
 - subsequent assessment marking, standardisation and quality assurance
 - issuing of results and factual accuracy of assessor feedback
 - failure to consider available substantiated information (e.g. contemporaneous independent medical or other evidence/information likely to have had a significant and direct bearing on the assessment outcome)
 - declaring and checking for conflict of interests.

If an appeal does not meet these criteria it may be possible to submit a complaint under the CIPD Complaints policy for EPA.

General provisions

1. The appeal must be received within 20 working days of the contested decision, notification of the assessment grade or investigation outcome.
2. It may not be possible for the CIPD to consider appeals appropriately without disclosure of the identity and other details of the appellant. If an appellant wishes any matter to remain private and confidential, this must be stated clearly in the letter, otherwise the CIPD will assume that permission has been granted to disclose any information provided as deemed appropriate and necessary and where the CIPD need to fulfil duties within UK legislation.
3. The CIPD will keep information about individual cases confidential to the people involved unless there is a need to release information under data protection or freedom of information legislation which we are obliged to comply with.
4. The occupational judgement of assessors will not be overturned without evidence of that procedures have not been followed fairly or consistently. Occupational judgement is a judgement made by an occupational expert relating to assessment outcomes. Consequently, disagreement with the assessment judgement on its own does not constitute valid grounds for appeal.
5. Appeal decisions will only be taken by individuals who have appropriate competence and who have no personal interest in the decision being appealed.

6. Where the outcome of an appeal (or enquiry) brings into question the accuracy of other grades for other apprentices CIPD will ensure that the interests of apprentices who may be affected are protected, and that the integrity of the EPA is maintained. This may involve remarking or reassessment for other apprentices.
7. The CIPD logs, monitors and evaluates all enquiries and appeals and reports on these through its normal governance committee structure. This information will also be made available to the regulatory authorities where appropriate.

Making a formal appeal

Stage 1

Apprentices have 20 working days from the date of their contested decision to make an appeal. Appeals must be made by completing the End Point Assessment Appeals Form. This form is an annex in this document.

The Appeal form must be sent to MyEPA@cipd.co.uk

The Appeal form must be signed and dated and include the following information:

- appellant's name, full contact details including daytime contact number and email address
- apprenticeship standard, level and the EPA method concerned
- detailed statement of the grounds for the appeal
- documentary evidence to support the appeal

Failure to provide all the above may result in a delayed response and possibly a dismissal of the appeal.

The CIPD will acknowledge appeals within 5 working days of receipt.

Stage 2

Within 5 working days of acknowledging receipt of the appeal the CIPD will check that all the required documentary evidence has been supplied and that the appeal falls within the time scale, scope and definition specified earlier in this policy statement.

If additional information or evidence is required, the CIPD will request this. The CIPD will set a reasonable timeframe for this additional information or evidence to be provided. If this additional information or evidence is not received by the set date, the appeal will not be progressed and the CIPD will confirm this decision in writing.

Once sufficient information has been provided, it may be possible to resolve the matter at this stage. More complex issues will be progressed to the next stage.

Stage 3

The CIPD will give serious consideration to the grounds of the appeal and the evidence provided and in so doing, will take all necessary investigative steps promptly with the parties concerned.

In some circumstances the CIPD may decide it is necessary to convene a special panel meeting to review the appeal.

At Stage 3, it should be possible to resolve all types of appeal and in all circumstances the CIPD will base decisions on matters of factual accuracy and advise all parties of the outcome of our investigations.

Consequently the appeal will either be:

- accepted and resolved
- dismissed
- progressed to Stage 4.

The CIPD will advise the appellant of the decision and the reasons for the decision within 20 working days of receiving the original appeal. Appeals against the dismissal of an appeal at Stage 3 must be submitted in writing within 20 working days of the date of the decision to the Director of Professional Development at the CIPD or their nominated representative, who will refer the appeal to Stage 4.

In exceptional circumstances, if the panel is unable to resolve the appeal at Stage 3, it will be referred to the Professional Development Director, or their nominated representative who will refer the appeal to Stage 4

Stage 4

At Stage 4, an appeals panel will be convened at the earliest opportunity. The Appeals Panel will be chaired by the Professional Development director or their nominated representative, together with two other members selected for their knowledge, expertise and impartiality.

It is essential that Appeals Panel members participate impartially, which precludes them participating in any panel where they may have a material interest or in which any conflict might arise. Each panel member, including the chair, will have a primary vote and a majority decision will be carried.

A CIPD Officer will act as Secretary to the Appeals Panel and will be responsible for:

- convening the panel and attendees
- producing an agreed agenda
- disseminating documentation to all parties
- accurate recording of the discussions
- producing a report of the outcome
- ensuring all parties are notified.

All relevant parties will be given at least 15 working days' notice of the date, time and venue where the appeal will be heard.

Within 5 working days of this, all relevant documentation will be provided to all concerned. All parties will have the opportunity to present their case to the Panel and to be accompanied when doing so. However, the CIPD must be notified of the names of those to be present 5 working days in advance of the hearing.

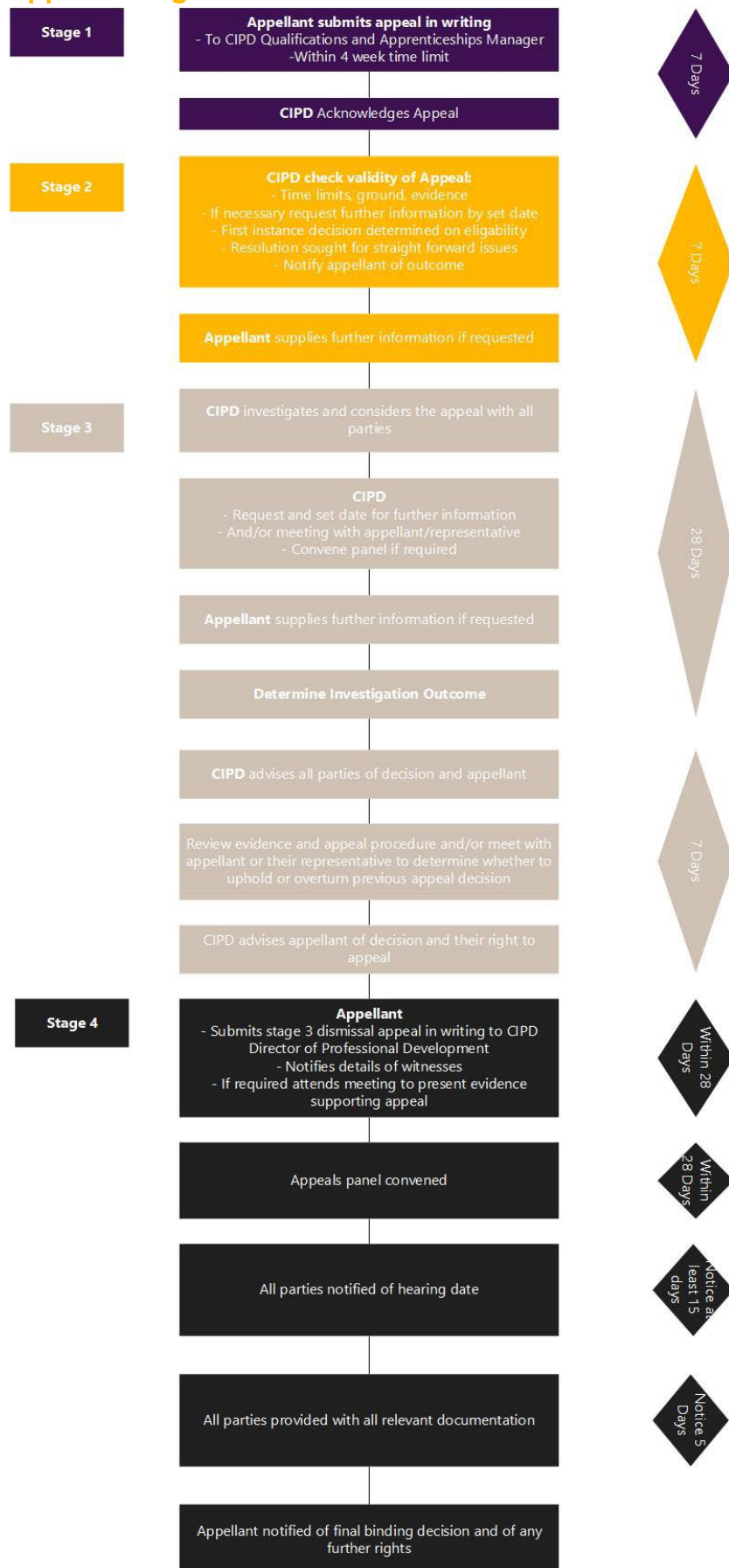
Having considered the documentary evidence and heard supporting statements, the Appeals Panel will adjourn to determine the outcome in private. The Appeals Panel will make one of the following decisions, and whatever decision is reached will be final:

- the appeal is upheld, and appropriate action is recommended
- the appeal is not upheld.

All parties will be advised of the outcome and officially notified of the outcome in writing within 5 working days.

We hope that we can solve the issue. However, appellants who have followed and exhausted the appropriate procedures and are still dissatisfied with the outcome may contact the relevant regulatory body.

Appeals Stages and Timescales Flow Chart



Appeals Form

Appeals must be emailed to: MyEPA@cipd.co.uk

To help us process your appeal application promptly, please write clearly and use block capitals throughout. If your form is not completed correctly it may delay your appeal application.

Section 1								
Candidate ULN					CIPD Membership (where applicable)			
Title:	Mr	Mrs	Miss	Ms	Dr	Other(specify)		
First Name		Surname						
Male		Female		Other		Prefer not to specify		
Address		Date of Birth						
Town		Country						
Tel		Postcode						
Email								
Employer Details				Training Provider Details				
Employer Name		Training Provider Name						
Line Manager		Training Coach						
Address		Address						
Town		Town						
County		County						
Postcode		Postcode						
Tel		Tel						
Email		Email						

Section 2			
Apprenticeship Standard Completed:			
Details of Assessment:			
Name of Assessor			
HR Apprenticeship Standards Assessment Methods			
Date of assessment		Date notified of grade	
Grade of CP		Grade of PD	
L&D Apprenticeship Standards Assessment Methods			
EPA 1		EPA 2	
Date of assessment		Date notified of grade	
Grade of EPA 1		Grade of EPA 2	

Section 3	
Appeal to review (please specify)	
The results of EPAs where the CIPD did not properly, fairly or consistently follow procedures	Y/N
The conduct of EPAs	Y/N
Decisions about Reasonable Adjustments and Special Consideration relating to apprentices taking an EPA	Y/N
Decisions relating to any action taken against an apprentice following an investigation into malpractice or maladministration.	Y/N
Detailed statement of the grounds for the appeal	

Documentary evidence to support the appeal

Signature	
Date	